

Message

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Subject: OPPT/OPP/OCSPP Clips, 5/10/2019

OPPT/OPP/OCSPP

May 10, 2019

Asbestos

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[Holland Sentinel: New testing reveals high PFAS levels at Robinson fire department](#)

[The Inquirer: PFAS water-contamination bills will get a hearing in Congress. Read up on what's proposed](#)

The Progressive Pulse: Sampling shows PFAS, GenX in groundwater wells in New Hanover County; contaminants not detected in drinking water

ASBESTOS

Insider NJ

Swain, Karabinchak & Timberlake Bill Banning Sale and Distribution of Products Containing Asbestos Now Law

<https://www.insidernj.com/press-release/swain-karabinchak-timberlake-bill-banning-sale-distribution-products-containing-asbestos-now-law/>

Friday, May 10, 2019

(TRENTON) – Asbestos is a real and often overlooked danger in many products for sale in the United States, taking the lives of as many as 15,000 Americans every year. Assembly Democrats Lisa Swain, Robert Karabinchak and Britnee Timberlake bill to protect the health of New Jerseyans by prohibiting the sale and distribution of products containing asbestos was signed into law Friday by the Governor.

The new law is in response to a recent decision made by the Environmental Protection Agency (EPA) Office of Pollution Prevention and Toxics to allow for the manufacture of new products containing asbestos on a case-by-case basis. Overwhelming evidence shows that asbestos exposure increases the risk of developing lung diseases, including lung cancer, mesothelioma and asbestosis.

“There is absolutely no reason why any New Jerseyans should be at risk of asbestos exposure,” said Swain (D-Bergen/Passaic). “While the current Administration in Washington may be okay with rolling back environmental health standards that protect so many Americans, here in New Jersey we are not, and this bill ensures we will stay proactive in protecting our residents.”

The new law (formerly bill A-4416) would bar any individual from selling or disseminating any product which contains asbestos in New Jersey. Anyone who violates the tenets of the bill would be subject to a fine of up to \$2,500. The law will also allow the Department of Environmental Protection (DEP) to seek an injunction against the violator.

“It is our responsibility to best protect the health of our residents,” said Karabinchak (D-Middlesex). “It is time we say no to this outdated material in New Jersey. No one should ever be exposed to harmful toxins.”

“It makes no sense to allow any unnecessary risk to the residents of New Jersey,” said Timberlake (D-Essex/Passaic). “We can’t allow the interests of big companies and corporations supersede the health of our constituents.”

The legislation was unanimously approved by the Assembly, 76-0 in March.

CHEMICALS

Bloomberg Environment

Companies Get More Time to Put Chemicals on Official EPA List

<https://news.bloombergenvironment.com/environment-and-energy/companies-get-more-time-to-put-chemicals-on-official-epa-list>

Pat Rizzuto

Friday, May 10, 2019

- EPA extends deadline for companies to correct official chemicals list from May 19 to Aug. 5
- List shows compounds that can be made in or imported into the U.S.

Companies that make chemicals or mix them into products like paint, detergent, and wax have until Aug. 5 to let the EPA know if a compound they make or use was omitted from an official EPA list, the agency announced May 9.

The notice extends the time the Environmental Protection Agency is giving companies to get chemicals on a list of compounds that can legally be made in or imported into the U.S. The deadline originally was May 19.

The EPA released the list, the Toxic Substances Control Act inventory of chemicals active in commerce, on Feb. 19. After Aug. 5, it will be illegal for any company to make, import, or use any chemical not on the active list.

The original deadline of May 19 was based on a deadline the agency described in a final 2017 TSCA inventory rule (RIN: 2070-AK24). That rule, however, required the agency to issue a “signed action” specifying the deadline for inventory corrections, said Steve Owens, an attorney with Squire Patton Boggs in Phoenix.

“EPA apparently just realized that it had not really complied with its Inventory Reset regulation, since it never issued a ‘signed action’ (as required by the rule) when it posted the reset inventory,” Owens said in a May 9 email.

Clarifying Confusion

The EPA’s notice is that signed action, said Owens, who previously served as the agency’s assistant administrator for chemical safety and pollution prevention under former President Barack Obama.

The agency’s announcement may clarify some confusion. Owens and other TSCA attorneys recently told Bloomberg Environment that some chemical producers and processors didn’t know the precise date by which corrections for the active inventory had to be filed. The notice provides that deadline and specifies the form that companies must provide the EPA.

The EPA didn’t immediately reply to a question about its reason for extending the deadline.

Carolina Public Press

DEQ requires municipalities to test for chemicals in Cape Fear basin

<https://carolinapublicpress.org/28912/deq-requires-municipalities-to-test-for-chemicals-in-cape-fear-basin/>

Greg Barnes

Friday, May 10, 2019

NC State professor Detlef Knappe (bearded, right) examines water samples taken on the Haw River at the old Bynum Bridge with his graduate students. Photo courtesy: NC State University and North Carolina Health News.

by Greg Barnes, North Carolina Health News

The state Department of Environmental Quality will require 25 municipalities in the Cape Fear River Basin to begin monthly monitoring this summer for unregulated but potentially cancer-causing chemicals known as emerging contaminants.

The DEQ’s Division of Water Resources recently sent letters to municipalities in the basin with pretreatment wastewater programs, saying monitoring would begin in June for 1,4 dioxane and a set of fluorinated chemical substances known as PFAS.

The purpose of the new requirement is to identify which municipalities are receiving these pollutants at their wastewater treatment plants and to work with them to reduce the contaminants at their industrial source, DEQ spokeswoman Sarah Young said. Municipalities have pretreatment programs that are designed to control the discharge of industrial wastewater into municipal treatment plants.

Elevated concentrations of 1,4 dioxane and PFAS have been found throughout the Cape Fear river basin, from around Greensboro to the coast. The chemicals do not yet have federal water quality standards, but 1,4 dioxane is listed by the U.S. Environmental Protection Agency as a probable carcinogen.

Studies have also shown that PFAS ingestion over a lifetime raises the risk for thyroid disease, liver damage, increased risk of certain cancers, elevated cholesterol levels and decreased vaccination response.

1,4-dioxane is a solvent stabilizer used for a wide variety of industrial and manufacturing purposes. The compound can be found in industrial solvents, paint strippers and varnishes and is often produced as a by-product of chemical processes to manufacture soaps, plastics and other consumer products.

PFAS compounds are most often associated with nonstick coatings, plating operations, firefighting foams and stain- and water-resistant treatments for clothing, furniture and carpet.

Fayetteville is among the cities that have already been routinely monitoring for 1,4 dioxane in drinking water, said Mick Noland, chief operating officer for the city's Public Works Commission.

Noland said the average of test results over the last 12 months show a concentration of 1,4 dioxane at 0.63 parts per billion in Fayetteville's drinking water. The EPA's health advisory is 35 parts per billion. A person who drinks water over a lifetime at the EPA's health advisory level stands a 1 in 10,000 chance of getting cancer.

North Carolina's health standard for 1,4 dioxane in rivers, streams and all other surface waters is 0.35 parts per billion. At that concentration, a person stands a 1 in 1 million chance of developing cancer over a lifetime. Drinking water levels in Fayetteville are nearly double the state's stream water standard, far less than it had been.

Much higher elsewhere

Upstream of Fayetteville, much higher concentrations of 1,4 dioxane have been detected. Around 2014, researchers conducting tests for the DEQ found the highest level of 1,4 dioxane at 1,030 parts per billion in the Haw River near Reidsville, 25 miles north of Greensboro. The Haw flows into Jordan Lake and the Cape Fear River, from which Sanford, Harnett County, Fayetteville, Wilmington and other municipalities get their drinking water.

The levels have since come down. Noland believes the reduction is due in part to action taken by Greensboro against polluters, but he said the concentrations tend to fluctuate, decreasing at times of high river flow because of dilution.

Noland said Fayetteville is among a group of downstream utilities, along with those in Greensboro, Asheboro and Reidsville, that have been collecting samples and working with the Division of Water Resources to reduce the levels of 1,4 dioxane.

Part of the intent of the division's new monitoring requirement, which was made public Monday, is to develop a basin-wide strategy to achieve compliance with the state's health advisory standards for 1,4 dioxane in streams and rivers used for drinking water of 0.35 parts per billion, Noland said.

Many industries in the Triad area discharge wastewater containing 1,4 dioxane directly into municipal sewer systems, and it doesn't take much of the stuff to foul the water. Adding only about a drop of 1,4 dioxane into a large tanker truck of water would be enough to increase people's cancer risk.

It is extremely difficult, and expensive, to screen the chemical before the treated wastewater is poured back into rivers or streams. Researchers have found that 1,4 dioxane is also coming from fields used to store the treatment plants' sludge and from landfills. Sludge is the residue that accumulates in sewage treatment plants as a solid, semisolid or slurry material. The sludge — or biosolids — goes through more treatment processes before being applied to land, sometimes as fertilizer.

Progress too slow

State Sen. Kirk deViere, D-Cumberland, said he and other senators met with the DEQ on Monday to discuss the new monitoring requirement, as well as other environmental concerns.

In an email, deViere called the monitoring requirement "a good first step in an ongoing strategy to address emerging compounds and better understanding of their presence at wastewater treatment plants." But he added that he doesn't think the state is moving fast enough to solve its multitude of environmental problems.

Sen. deViere is a primary sponsor of a bill pending in the General Assembly that would establish a PFAS task force to identify and analyze all PFAS in the Lower Cape Fear River basin, identify the sources of the PFAS, establish maximum health standards for exposure to the contaminants and provide safe drinking water for people facing contamination at high levels. The bill is not expected to make it out of committee.

State Rep. Pricey Harrison, D-Greensboro, also called the new monitoring requirements a good first step, but she said, “it must be followed with stringent limits that require sources to control or eliminate their discharges.”

Rather than having wastewater treatment plants develop a monitoring plan to determine the sources of the pollution, Harrison said, the treatment plants or the DEQ should require the industries to conduct their own monitoring.

“That would expose the major sources a lot more quickly than having the (wastewater treatment plants) do the investigation on their own,” she said.

Harrison also said the DEQ should impose limits in the National Pollutant Discharge Elimination System permits that industries are required to operate under. The wastewater treatment plants would then include those limits in their pretreatment permits for industrial users, she said. Harrison is a primary sponsor of a bill that would do that. The bill is unlikely to pass, she has said.

PFAS threat

The concern over PFAS in the Cape Fear River basin has grown since the Wilmington Star-News made public in June 2017 that GenX — one of thousands of PFAS chemicals — was found in high concentrations in Wilmington’s drinking water.

Researchers, who had detected PFAS in the upper reaches of the basin as early as 2006, have recently stepped up monitoring efforts there. Last summer, those researchers found a set of seven PFAS measuring a combined 1,076 parts per trillion in the Haw River at Bynum, an old textile mill community near Pittsboro.

Pittsboro is the only municipality that draws its drinking water directly from the Haw River. It has been using powdered activated carbon, which N.C. State University researcher Detlef Knappe called “somewhat effective” in removing PFOA and PFOS — the only types of PFAS in which the EPA has set health advisory levels.

On the day the samples were taken, Knappe said in an email, Pittsboro’s drinking water measured a combined 57 parts per trillion for the two compounds, which was below the 70 parts per trillion health advisory.

Late last month, a consultant presented the town with a preliminary report showing it could cost millions to more effectively filter out PFAS contamination.

Greensboro already is taking steps to rid PFAS from its drinking water, agreeing to spend \$31 million on an advanced granular activated carbon filtration system. New Hanover and Brunswick counties are also installing new systems.

Greensboro says much of the PFAS found the city’s drinking water comes from firefighting foam that had been used at Piedmont Triad International Airport for training purposes. In August, the combined level of PFOA and PFOS in Greensboro’s drinking water measured 96 parts per trillion, which was above the EPA’s health advisory level. The concentrations are now below that level.

Bipartisan bills pending in both chambers of the General Assembly would ban the manufacture, sale or use of firefighting foam containing PFAS in the state.

East Oregonian

Critics warn chlorpyrifos ban would set dangerous precedent

https://www.eastoregonian.com/news/critics-warn-chlorpyrifos-ban-would-set-dangerous-precedent/article_c3388d5a-7345-11e9-8a94-cffe15716c4a.html

Mateusz Perkowski

Friday, May 10, 2019

Critics of a proposed ban on chlorpyrifos insecticides in Oregon argue the bill would not only harm farmers but also set a dangerous legislative precedent.

Supporters of House Bill 2619 argue that it's necessary for Oregon lawmakers to take action due to uncertainty about the chemical's regulation at the federal level.

A prohibition on spraying food crops with chlorpyrifos was proposed by the Obama administration but reversed by the Trump administration in 2017.

The federal government's regulation of the pesticide is currently the subject of a legal fight before the 9th U.S. Circuit Court of Appeals, which ruled that chlorpyrifos must be banned last year but has more recently reconsidered that decision.

Rep. Ken Helm, D-Beaverton, said he was "alarmed" by the chemical's toxic effects, including reduced cranial size and cognitive impairment in infants.

The validity of those adverse impacts isn't in question in the legal dispute, which centers on the jurisdiction of federal courts over the U.S. Environmental Protection Agency, Helm said.

Under these circumstances, it's appropriate for lawmakers to remove chlorpyrifos from use in Oregon before the court case is resolved, he said.

"We're here for a short period of time to protect our public," Helm said.

Rep. Shelly Boshart Davis, R-Albany, urged the House Rules Committee against passing the HB 2619 because lawmakers "are not scientists" and such regulation is better left to the Oregon Department of Agriculture.

Under another piece of legislation, House Bill 3058, the ODA would be directed to study the latest scientific data regarding chlorpyrifos and issue recommendations next year.

The ODA can delve into questions about the chemical's safety more deeply than lawmakers can during a handful of public hearings, she said

If the Legislature does ban the substance, lawmakers would likely be asked to make similar decisions about other agricultural technologies, Boshart Davis said. "We could create an endless rabbit hole of picking winners and losers."

If Oregon were to ban chlorpyrifos, farmers here would be less competitive than growers in Washington and Idaho but retailers could still bring in onions from those states, said Mark Dickman, a farmer near Mt. Angel.

"It's a mistake to legislate pesticide use state-by-state," he said. "EPA is well-equipped to do this, Oregon is not."

Critics of the bill also cited several examples of crops that lack readily available alternative treatments for some pests, including needle midge in Douglas fir Christmas trees, sod web-worm in fescue grass and seed weevils in clover.

"It's not a tool we use all the time, it's a tool we use when we need to target specific pests," said Jenny Dresler, a lobbyist for the Oregon Farm Bureau.

Supporters of the law countered that organic farmers use other methods to control insects, such as selective breeding and natural insect predators.

"There are alternatives to chlorpyrifos and alternative modes of agriculture," said Jonathan Manton, of the Oregon Organic Coalition.

Farmworker advocates testified that a prohibition against chlorpyrifos is justified by the need to protect laborers who commonly spray farm chemicals and are most vulnerable to toxic effects.

Yolanda Gomez, a college student, said her father was a victim of chronic pesticide exposure that led to weight loss, fatigue and ultimately the non-Hodgkins lymphoma that ended his life.

Passing the bill would be a step in the right direction, she said. "We will not let another worker suffer the way my father did."

KITV4-ABC

Hawaii lawmakers call for EPA to study effects of harmful chemicals in sunscreen

<https://www.kitv.com/story/40453710/hawaii-lawmakers-call-for-epa-to-study-effects-of-harmful-chemicals-in-sunscreen>

KITV Web Staff

Friday, May 10, 2019

HONOLULU - Hawaii lawmakers want the environmental protection agency to study how chemicals in sunscreen impact coral reefs.

U.S. Senators Mazie Hirono and Jeff Merkley introduced legislation on Wednesday that would require the EPA to study the effects of oxybenzone and octinoxate on the environment and human health -- the two chemicals are common in sunscreen.

The bill would also require the EPA to complete the research and report the findings to Congress within 18 months.

Hawaii Congresswoman Tulsi Gabbard introduced a similar bill in the House.

Last year, Hawaii became the first state in the country to ban those harmful sunscreens.

Despite the move, scientists say they have discovered "extremely high" concentrations of oxybenzone in Kahalu'u Bay.

The National Oceanic and Atmospheric Administration says levels are 262 times more than what the EPA classifies as 'high risk' for marine life.

Mother Jones

California Defied Trump and Banned a Pesticide Linked to Brain Damage in Children

<https://www.motherjones.com/environment/2019/05/california-defied-trump-and-banned-a-pesticide-linked-to-brain-damage-in-children/>

Sam Levin

Friday, May 10, 2019

This story was originally published by the Guardian and is shared here as part of the Climate Desk collaboration.

California is banning a widely used pesticide that has been linked to brain damage in children, a major victory for public health advocates who have long fought to outlaw the toxic chemical in the agricultural industry.

The state ban on chlorpyrifos, a pesticide used on almonds, citrus, cotton, grapes, walnuts and other crops, follows years of research finding the chemical causes serious health effects in children, including impaired brain and neurological development. The US Environmental Protection Agency (EPA) had moved to ban the chemical under Barack Obama, but the Trump administration reversed that effort, rejecting the scientific conclusions of its own government experts.

"A lot of people live and work and go to school right next to fields that are being sprayed with chlorpyrifos...It's an issue of environmental health and justice."

"Countless people have suffered as a result of this chemical," the California EPA secretary, Jared Blumenfeld, said in an interview on Wednesday. "A lot of people live and work and go to school right next to fields that are being sprayed with chlorpyrifos...It's an issue of environmental health and justice."

The move in California, home to a vast agricultural sector responsible for growing a majority of the nation's fruits and nuts, is the latest example of the state resisting Trump's conservative agenda and policies. Environmental activists, however, have been pushing to stop chlorpyrifos use in the state for years in the wake of overwhelming evidence of harms caused by exposure.

"This is a very important and pivotal moment," said Angel Garcia, the chair of the Coalition Advocating for Pesticide Safety, who has worked with families affected by chlorpyrifos. "It sends the message to communities that they are starting to be heard...People will now have a safer future."

Epidemiological studies have linked chlorpyrifos to a number of health conditions. Pregnant women living near fields and farms that use the chemical have an increased risk of having a child with autism. Exposure to low to moderate levels of chlorpyrifos during pregnancy have also been associated with lower IQs and memory problems. California officials cited a recent review by a state panel on toxic air contaminants, which found the effects in children could occur at lower levels than previously understood.

"The science is definitive," said Blumenfeld, adding that he hoped the move would spur the federal government to take action. "This job really should have been done by the US EPA."

After environmental groups sued the Trump administration for reversing the Obama-era ban, a judge ordered the federal EPA to prohibit use of chlorpyrifos last year. But the government appealed that decision, and the courts have ordered the EPA to make a final decision about chlorpyrifos by July.

Activists have accused the Trump administration of backing the interests of DowDuPont, a chlorpyrifos manufacturer whose predecessor donated to the president.

DowDuPont is now "evaluating all options to challenge" California's ban, spokesman Gregg Schmidt said in a statement, adding that eliminating chlorpyrifos would "remove an important tool for farmers and undermines the highly effective system for regulating pesticides that has been in place at the federal level and in the state of California for decades." He also noted that the chemical is currently approved for use in roughly 100 countries.

The US banned chlorpyrifos for residential use back in 2001. An expert panel of toxicologists last year recommended a ban on all organophosphates, the class of pesticides that includes chlorpyrifos. More than 10,000 tonnes of organophosphates are sprayed in 24 European countries each year.

In California, the process of banning chlorpyrifos use across the Central Valley agricultural regions could take up to two years, officials said. In 2015, the state implemented tighter restrictions on the use of chlorpyrifos, but critics have argued that a full ban was the only way to protect the health of farming communities.

The California governor, Gavin Newsom, has also proposed \$5.7 million in new funding to support the transition from chlorpyrifos to "safer, more sustainable alternatives."

Climate change is expected to worsen pest challenges in agriculture, which means the need to find alternatives to toxic chemicals is urgent, said Blumenfeld: "It's not just about chlorpyrifos. It's making sure we have a more holistic and nature-based approach."

HERBICIDE

OPB.org

Oregon Becomes First State To Sharply Restrict Herbicide Linked To Tree Deaths

<https://www.opb.org/news/article/oregon-herbicide-restriction-aminocyclopyrachlor-perspective-acp-sisters/>

Emily Cureton

Friday, May 10, 2019

Oregon is the first state in the nation to sharply restrict an herbicide known to kill trees, despite federal regulations still allowing the substance as roadside weed control. The product, known as Perspective, was effectively banned this week from wooded areas in Oregon.

Oregon Bans Tree-Killing Herbicide Amid Sweeping Investigation

"This certainly could set a precedent; other states would have to look at their authority to regulate the use beyond the federal requirements," said Dale Mitchell of the Oregon Department of Agriculture's pesticide program.

States are required to enforce federal pesticide regulations, but making the rules set by the Environmental Protection Agency any stricter is rare. If other places decide to adopt Oregon's customized approach, they may soon run into federal roadblocks.

On March 19, the EPA announced plans to reevaluate localized power over pesticide regulation, with changes possible after 2019. The notification warned, "the [EPA] Administrator may suspend a state's registration authority." As Politico reported, "If the EPA decides to step in to overrule states on certain restrictions, Bayer, which recently purchased Monsanto and its product lines, could be one of the main beneficiaries of that change."

Bayer manufactures Perspective; the active ingredient is aminocyclopyrachlor or ACP. Highly mobile in groundwater, it's of low toxicity to animals but highly effective at killing plants. State investigators found ACP spraying was to blame for over 2,000 dead and dying pines in Deschutes National Forest near Sisters.

The die-off was high profile, with predominately old growth trees lost along a scenic road, and it triggered the state's rule-making. The end result severely limits ACP use on rights of way and bans spraying "where roots of non-target trees or shrubs may extend," among other natural areas. These limits were temporarily imposed in September, as more than 5,000 public comments poured into ODA's pesticide program.

County road departments and others with existing stocks of ACP intended for weed control opposed the restrictions — as did Bayer. The day after the EPA signaled it might curtail state-specific regulation, Bayer appealed Oregon's ACP rule, delaying permanent adoption until this month.

In the final rule, state regulators backed down on a provision to keep wood exposed to ACP out of mills. The Forest Service is in the midst of logging those poisoned pines near Sisters, with plans to sell them as lumber. ODA's originally proposed rule would have prevented selling the lumber to a mill because ACP-affected wood has been shown to contaminate mulch and compost.

But the onus will be on the mill, according to Mitchell.

"The facility that purchases and processes the logs will need to take measures that that material does not enter the composting stream," he said.

The trees that once towered between Sisters and Camp Sherman have been slowly dying from ACP exposure that occurred between 2013 and 2015. Four years later, all the standing dead and even the slash are being hauled out in an effort to stop the problem from spreading further and keep hazard trees from falling on the road.

ODA's investigation focused on four locations near Sisters exhibiting damage attributed to the use of ACP. It's unknown how the herbicide may have affected conifers across the Pacific Northwest. The label says not to apply near "desirable"

roots — a warning that came after ACP was first linked to a wave of spruce tree deaths in the Midwest — eight years ago. That product made by DuPont was banned by the EPA in 2011, then Bayer launched a different brand in use today.

LEAD

KQ2

EPA STUDENT POSTER CONTEST HIGHLIGHTS LEAD SAFETY

<https://www.kq2.com/content/news/Students-rewarded-for-being-lead-safe-509604801.html>

Vanessa Alonso

Friday, May 10, 2019

(ST. JOSEPH, Mo)- Students at one St. Joseph school were rewarded for their creativity when it comes to lead safety.

For the last few weeks, St. Francis third through fifth graders worked with the Environmental Protection Agency Region 7 office out of Kansas City on the dangers of lead exposure.

To help make the lesson fun, a poster contest was done to give the students an opportunity to illustrate concerns and how to stay safe.

On Tuesday, the EPA announced the three winners: third grader Nate Galing, fourth grader Johnathan Borunda and fifth grader Lily Bridges.

The posters were judged based on imagination and the message that was given.

PESTICIDE

Inhabitat

California bans pesticide linked to brain damage in children

<https://inhabitat.com/california-bans-pesticide-linked-to-brain-damage-in-children/>

Lucienne Cross

Friday, May 10, 2019

In a move that is both a victory for environmental justice and a snub to the current president, the California Senate officially banned a pesticide that has been proven to cause brain damage in children. The U.S. Environmental Protection Agency (EPA) had previously attempted to ban the toxic chemical, chlorpyrifos, nationwide, however, the Trump administration rejected the overwhelming scientific evidence of its health impact on pregnant women and children living near major farms. This week, California representatives voted to overrule the president in their own state.

Public health activists believe the Trump administration is protecting the business interests of Dow Dupont, a chlorpyrifos manufacturer that previously donated to the president's campaign.

According to studies, the pesticide has been linked to impaired brain and neurological development among children. It has also been linked to increased risk of autism, memory problems and lower IQs among the children of women who were exposed to the chemical while pregnant.

"Countless people have suffered as a result of this chemical," the California EPA secretary, Jared Blumenfeld, said in an interview on Wednesday. "A lot of people live and work and go to school right next to fields that are being sprayed with chlorpyrifos ... It's an issue of environmental health and justice."

Low income and immigrant communities of California's central valley are largely impacted due to their proximity to major industrial farms where the chemical is sprayed. Chlorpyrifos pesticides are often used on almonds, citrus, cotton, grapes and walnuts among other products.

Research shows that the chemical is linked to these health concerns at even lower doses than originally thought.

According to Dow Dupont's spokesman, the manufacturing company is planning to challenge the ban, saying it unfairly hurts farmers who need a way to effectively control pests. The ban will "remove an important tool for farmers and undermines the highly effective system for regulating pesticides," the spokesman said in a statement.

However, California's governor has proposed a \$5.7 million plan to help farmers transition to more sustainable pest control options.

"The science is definitive," said Blumenfeld. "This job really should have been done by the U.S. EPA."

WBAL TV 11

State officials issue advisory after bald eagle poisonings

<https://www.wbal.com/article/maryland-carbofuran-enforcement-advisory-dead-eagles-owl/27431108>

Friday, May 10, 2019

ANNAPOLIS, Md. —

Maryland state officials are enhancing enforcement efforts after the deaths of bald eagles and an owl.

The Maryland Department of Agriculture and the Maryland Department of Natural Resources are working to address the continued illegal use of carbofuran, a banned pesticide that has been implicated in recent poisoning events in Kent and Talbot counties that have killed at least seven bald eagles and one horned owl.

Eagles, owls poisoned on Eastern Shore; police seek tips

This is the latest in a string of incidents that date back to February 2016, when 13 bald eagles were poisoned under similar circumstances in Caroline County.

"We are all very troubled by the continued use of this highly toxic banned pesticide," Agriculture Secretary Joe Bartenfelder said in a statement. "Carbofuran has been banned for a reason, and this trend of wildlife poisonings on the Eastern Shore is unacceptable. I urge anyone still in possession of carbofuran to contact our pesticide regulation section immediately and arrange for proper disposal."

"We are extremely concerned about the death of these magnificent birds, including our nation's symbol. Our first priority is to prevent any further events of this type from occurring," Natural Resources Secretary Jeannie Haddaway-Riccio said in a statement. "We are making it a priority to inform and educate the public on how destructive carbofuran is to our wildlife and that they should do the right thing and properly dispose of any remaining stock."

MDA's pesticide regulation section has issued an enforcement advisory regarding the persistent illegal use of carbofuran, which was commonly sold under the trade name Furadan. In 2009, federally approved uses of carbofuran were voluntarily canceled after the U.S. Environmental Protection Agency concluded that its dietary, worker and ecological risks were unacceptable for all uses.

It is illegal to use or sell these products under state and federal law. Any violation of Maryland's Pesticide Applicator Law is subject to a fine of up to \$25,000 and/or prison. These violations may also be subject to additional penalties from the EPA.

While it is not illegal to possess an unregistered or banned pesticide, it must be stored in compliance with state regulations and may not be used, sold or traded. The department urges any individual in possession of carbofuran to responsibly dispose of the pesticide immediately.

For directions on the proper disposal of pesticides, call 410-841-5710, or email pest.reg@maryland.gov.

The Maryland Natural Resources Police and U.S. Fish and Wildlife Service (USFWS) are investigating the most recent cases and have urged anyone with relevant and specific information to come forward. USFWS has offered a reward of up to \$10,000 to eligible individuals for information.

TSCA

Chemical Watch

Data concerns fuel controversy over TSCA PV29 risk evaluation

<https://chemicalwatch.com/77332/data-concerns-fuel-controversy-over-tsca-pv29-risk-evaluation>

Kelly Franklin

Friday, May 10, 2019

US NGO the Environmental Defense Fund has pointed to recent data revelations as evidence that the public's ability to trust TSCA risk evaluations "falls flat" without access to full and unredacted copies of health and safety information.

The claim comes amid the ongoing policy battle around pigment violet 29 – one of the first ten substances subject to risk evaluation under the amended TSCA.

PV29 is relatively data-poor and, as a result, the EPA had to largely rely on voluntarily submitted data, including information in the REACH registration dossier for the substance held by Echa.

However, the way this has been handled has raised NGO concerns on how the EPA collects and determines the confidentiality of information underpinning its assessments.

And information recently released through a public records request has only added to their fears that important determinations are being made behind closed doors.

Dossier changes

One claim made by the EDF relates to apparent changes of information in the public version of the REACH registration dossier for PV29.

In a 2 May blog post, the NGO's Richard Denison claimed that summaries of two studies in the public version of the REACH dossier included significantly higher water solubility figures than the 0.01 mg/L value that the EPA used in its draft evaluation.

But viewing those summaries again on Echa's website this month, Dr Denison's suspicions were raised when he noticed the higher water solubility values were no longer present.

And the apparent deletions, he said, demonstrate why it is "wholly unacceptable to expect the public to rely on summaries prepared by the companies making a chemical under review, or to trust EPA's assertion that the summaries accurately reflect the underlying studies".

'Updated continually'

In a response to Dr Denison's blog post, Christel Musset, Echa's director of hazard assessment, said dossiers "are updated continually for many reasons".

"Although information should not be deleted, it is, however, possible that certain outcomes of risk assessment could be changed due to new information (for example, new experimental data obtained through testing) at the disposal of the registrants."

And the American Chemistry Council told Chemical Watch: "Simply because modifications are made to submissions under REACH does not mean anything untoward has occurred; that the modifications are material; or that the modifications alter the ultimate conclusion of the evaluation that PV29 does not present an unreasonable risk."

'Simply because modifications are made to submissions under REACH, does not mean anything untoward has occurred,' the ACC

The forthcoming peer review process for PV29, it added, provides "an appropriate check on the agency's work".

BASF – the PV29 data owner – told Chemical Watch it will "work through EPA's public comment process to address the questions raised" on the dossier modifications.

Section 4 testing authorities

Meanwhile, NGOs have also taken issue with the EPA's reliance on voluntary data submission, which they say allows industry to 'cherry pick' information. They have pressed the agency instead to use its expanded authority under section 4 of the reformed TSCA to mandate testing.

Bob Sussman, counsel for Safer Chemicals, Healthy Families, said mandatory testing is the best pathway for addressing the "woefully inadequate" data that exists on the thousands of chemicals in commerce. "EPA is shirking its responsibility" under the reformed law by failing to use its newly expanded testing authorities, he added in a March blog post.

'EPA is shirking its responsibility under the reformed law, by failing to use its newly expanded testing authorities,' Bob Sussman, Safer Chemicals, Healthy Families

The EPA confirmed to Chemical Watch that it has not yet used its section 4 authorities, since the law was reformed in 2016. But an agency spokesperson said one reason for this is that the agency had "all necessary data to conduct the [first ten] risk evaluations".

"If the agency identifies data needs during the prioritisation or risk evaluation process, we will use the various tools at our disposal to obtain the needed information," said the spokesperson. This includes calls for voluntary submission of data.

PV29 is an example, the spokesperson added, where the agency "successfully worked with the manufacturers and data owners to gather the data to inform" the evaluation.

But Dr Denison told Chemical Watch that mandatory tests would better ensure the accuracy of collected data.

As an example of this, he pointed to emails released under an NGO Freedom of Information Act (Foia) request between the EPA and Sun Chemical Corporation – a domestic manufacturer of PV29 – regarding the substance's release to water.

In a 2017 September correspondence, the company estimated this at 0.6lbs/day. But according to the email exchange, there was further discussion with EPA staff over the course of several months and in December 2017, Sun Chemical submitted modified calculations which put the figure at 0.77lbs/day.

Nevertheless, the PV29 draft evaluation, published nearly a year later, continues to include the 0.6lbs/day figure.

Dr Denison said this illustrates an example where the EPA developed a risk assessment based on voluntarily submitted data, "without any ability to corroborate the information, let alone independently verify it."

The EPA should have issued an order for workplace and environmental release monitoring with specified protocols, he said, to ensure the accuracy of the data.

Sun Chemical did not respond to a request for comment by press time.

'Road to disaster'

In response to the ongoing disagreement over PV29, the ACC told Chemical Watch that the EPA is "well aware of the information it has [and] needs, and how to obtain information not readily available."

"We believe EPA will use the tools available to it under TSCA when it believes it is warranted."

The trade group also dismissed as unrealistic the concern that companies would 'cherry pick' data to avoid submitting information that casts a substance in an unfavourable light. It pointed out that TSCA section 8(e) already requires industry to report to the agency when it identifies evidence of significant risk.

Meanwhile, a toxicological expert, who peer reviews articles for public journals but who asked not to be identified, told Chemical Watch that NGOs' distrust of industry study summaries are "not valid".

"The majority of studies may be funded by industry, but are performed by highly reputable, totally independent research labs," he said. Individual data statistical analysis methods are fully described before a study starts, which means that a testing lab cannot arbitrarily change how data is interpreted later on.

The data redactions in the BASF PV29 studies, for example, are the type of information that would never appear in a peer-reviewed journal article, he added.

Criticism over a study's methodology can be valid, he said. "But [NGOs] asking for data, to then try out unvalidated and sometimes dubious quality data analysis methods, trawling for random numerical differences they can leap on to make unsubstantiated claims of toxic effects, would be a never-ending road to disaster."

WATER

Holland Sentinel

New testing reveals high PFAS levels at Robinson fire department

<https://www.hollandsentinel.com/news/20190510/new-testing-reveals-high-pfas-levels-at-robinson-fire-department>

Alexander Sinn

Friday, May 10, 2019

ROBINSON TWP. — A three-month-long investigation into PFAS contamination in Robinson Township has revealed significantly higher concentrations than initially detected at both Robinson Elementary School and the nearby fire department.

A total of 2,142 parts per trillion of the health-hazardous substances was discovered at the Robinson Township Fire Department building at 12010 120th Avenue, on the same property as the township offices. A combined level of PFOS and PFOA — the two long-chain PFAS substances considered most likely to cause health concerns — was found at 643.61 ppt. Previous testing had found trace amounts of PFAS at the fire department.

Across the street at Robinson Elementary School, a total of 409 ppt PFAS was discovered in the latest round of testing, with PFOS and PFOA at 61 ppt. PFAS was first detected at the school in October, over the Environmental Protection Agency's lifetime health advisory of 70 ppt.

Grand Haven Area Public Schools officials said in a statement that the results indicate a source of PFAS was likely released historically on the property. Students and staff have relied on bottled water for drinking and cooking since the initial detection, and the district is in the process of acquiring a schoolwide filter.

Robinson Elementary is the only building in the district not connected to the Northwest Ottawa Water System. State testing of that system did not find traces of the substances last year.

PFAS was detected in water samples from all 10 wells dug by the Michigan Department of Environmental, Great Lakes and Energy (EGLE) in February, and in three soil samples at four locations.

Two wells north of the fire department exceeded the EPA limit, drawing a potential link to Class B fire fighting foam officials previously said was not used by the department or on the site.

Ottawa County officials have said during the investigation that Class B foam was neither historically nor currently used by the department. A statement on the Ottawa County Department of Public Health website, posted Thursday, now says the foam has been in use since the 1960s, and could have been applied during that time.

"It is possible that it was applied in the area during an era that pre-dates the knowledge of anyone currently associated with the RTFD," the statement said.

Officials said further investigation will be necessary to assess groundwater north and east of the fire station.

Investigators have considered undocumented dump sites, highway construction materials and biosolid applications as potential sources. While none of these is ruled out, the investigation has not led to any of these as a likely culprit.

In November and December last year, the state's department sampled more than 60 residential wells, mostly north of the school along 120th Avenue. Traces of PFAS were detected in 34 wells. Residents whose water contained PFAS were provided filters by the Michigan Department of Health & Human Services.

Robinson Elementary is the only school contaminated with high levels of PFAS in the state.

The Inquirer

PFAS water-contamination bills will get a hearing in Congress. Read up on what's proposed

<https://www.philly.com/news/pfas-congress-hearing-chemicals-water-contamination-20190510.html>

Justine McDaniel

Friday, May 10, 2019

In the ongoing bid to address chemicals that have contaminated drinking water in dozens, if not hundreds, of communities nationwide, new bills addressing PFAS were introduced this week — and a congressional hearing on PFAS legislation was scheduled for Wednesday.

"Let's get all those solutions brought to the table and let's thoroughly discuss them," Rep. Paul Tonko (D., N.Y.), who chairs the environmental subcommittee that will hold the hearing, said on Monday. He spoke in Montgomery County at a roundtable hosted by Rep. Madeleine Dean (D., Pa.). "We hope we're going to be able to move something this year."

PFAS chemicals caused public and private drinking wells to be shut down in Bucks and Montgomery Counties in 2014 and 2016; they have resulted in ongoing cleanup problems and health concerns. The chemicals have been linked to cancers, immune problems, and other health issues.

An analysis released this week by the Environmental Working Group and Northeastern University showed 610 sites in 43 states are contaminated by PFAS. Of those sites, 17 were counted in Pennsylvania and 43 in New Jersey. Later this month, Pennsylvania officials are beginning a statewide testing program to determine how many more public water systems across the state may be contaminated.

Lawmakers dealing with contamination in their local communities said earlier this week that they believed some PFAS bills could pass; House Speaker Nancy Pelosi (D., Calif.) has promised to move them to a vote, they said. Broadly, they seek to force the federal government — including the Environmental Protection Agency and the Department of Defense — to quickly implement treatment, cleanup, and protection measures to remove the chemicals from the environment.

“It has fallen to Congress to advance policies that will reduce the threat of these toxic chemicals. Representatives from across the country are stepping up with important legislation to confront this crisis,” Tonko said in announcing the hearing.

Here’s a look at some of the bills the lawmakers may debate. Most have bipartisan support and are bicameral:

- **Safe drinking water standard:** This bill requires the EPA to establish a standard for the amount of PFAS that can legally be present in drinking water, known as a maximum contaminant level.
- **Federal accountability:** With a bill introduced this week, lawmakers hope to force the federal government, including the military, to clean up contaminated sites, sparing states and local communities from bearing the cost of clean-up. It would specify deadlines for completing various clean-up actions.
- **Military cleanup:** Another bill would require the Department of Defense to submit a cleanup plan and authorize funding for cleanup by the military.
- **PFAS detection:** In order to conduct nationwide sampling for PFAS in the environment, this bill would allocate \$45 million to the U.S. Geological Survey for development of new technologies for detecting PFAS, with an aim of mapping all PFAS water contamination in the U.S.
- **Drinking water systems:** This legislation would set up a grant program to allow public drinking water systems across the U.S. to install treatment technology for PFAS. Rep. Frank Pallone, Jr. (D., N.J.) said the bill would give communities the ability to eliminate the chemicals from their drinking water.
- **Hazardous substances:** Two bills would require the EPA to designate PFAS as hazardous substances. Another proposal would regulate the chemicals under the Toxic Substances Control Act. Another bill would add PFAS to the list of hazardous air substances. A bill introduced Thursday would require PFAS to be listed on the EPA’s Toxic Release Inventory. It would force manufacturers to report their usage of PFAS to the EPA as public information.
- **Veteran database:** A bill introduced in the House and Senate would create a national database for military veterans who have had health problems they believe could be caused by PFAS. Anyone signed up would also receive updates on PFAS developments.
- **Veteran health effects:** One bipartisan proposal seeks to include blood testing for PFAS in routine physicals for military firefighters. Another bill would designate illnesses caused by PFAS as a service-connected disability, requiring the Department of Veterans’ Affairs to cover treatment and making affected veterans eligible for disability payments.
- **Other bills include** proposals to force polluters to pay water treatment costs; make changes to laws that govern toxic and hazardous substances; and create a consumer advisory label for pots, pans, and cooking utensils that are free of PFAS.

The Progressive Pulse

Sampling shows PFAS, GenX in groundwater wells in New Hanover County; contaminants not detected in drinking water

<http://pulse.ncpolicywatch.org/2019/05/10/sampling-shows-pfas-genx-in-groundwater-wells-in-new-hanover-county-contaminants-not-detected-in-drinking-water/>

Lisa Sorg

Friday, May 10, 2019

State environmental regulators are sampling groundwater from monitoring wells in northern New Hanover County after perfluorinated compounds, including GenX, were detected in six of 25 wells that supply the Richardson water treatment plant.

However, the compounds were not detected in finished drinking water.

The plant, operated by the Cape Fear Public Utility Authority, provides drinking water to several communities, including Murrayville, Wrightsboro, and parts of Castle Hayne and Odgen. The source of this public water supply is groundwater tapped from the Castle Hayne and PeeDee aquifers.

While most of the utility's water treatment plants withdraw from the river, the Richardson plant uses groundwater.

In all, 12 types of PFAS were detected, although not every type was found in every well.

Tests of well water showed levels ranging from 25 ppt to 65 ppt for all PFAS; another well, intended only as an emergency source for the Sweeney plant, contained concentrations of PFAS at 180 ppt. That well is not operating.

No PFAS have been detected in finished drinking water from the Richardson plant during March testing, the utility said. In April, only a trace amount, 0.6 parts per trillion, was detected in one sample, according to the utility.

"We share their concerns, but one data set does not sufficiently help us understand the cause or source of the contamination. DEQ plans to sample areas of concern and expedite testing results," DEQ Communications Director Megan Thorpe said in a prepared statement.

DEQ said it will conduct its own sampling, but it could take several weeks to receive the results.

The EPA has yet to regulate PFAS or GenX. The state health department has set an unenforceable advisory goal of 140 ppt in drinking water. As part of a consent order, the state Department of Environmental Quality requires Chemours, which had been discharging PFAS into the Cape Fear River for decades, to pay for filter options for owners of private wells where the compounds have been detected above 10 ppt for one, or 70 ppt collectively.

The original source of the widespread PFAS contamination in the Lower Cape Fear River Basin is the Chemours plant, 100 miles upstream. Private drinking water wells around the plant, as well as public drinking water supplies downstream have been polluted from the facility's discharge.

It's possible that at least part of the aquifer beneath New Hanover County is now contaminated. In 2017, the utility had pumped water from the Sweeney water treatment plant into an aquifer storage well to keep finished drinking water that could be used during times of high demand. However, the utility suspended the project after it learned that it had unknowingly contaminated the aquifer well because water from the Sweeney plant was contaminated with GenX and other PFAS from Chemours.

The utility found the most recent contamination after sampling the wells to determine how PFAS might move through groundwater near the aquifer storage well. The utility said it is unclear if that well is the source of the other contaminated groundwater wells. Those wells are two to three miles away, and groundwater migrates only about 15 feet a year, at least in the coastal area of New Hanover County.

Speed of groundwater migration can depend on rock and soil types. The Castle Hayne Aquifer is composed of "carbonate rocks," common in coastal environments, according to the US Geological Survey. The slightly acidic groundwater can carve tunnels in the rock that can be tens of feet wide and even thousands of feet long. Water then moves through these underground networks, although it can't penetrate undissolved rock.

The Pee Dee Aquifer is made up of fine- to medium-grain sand and black clay.

The finished drinking water from these aquifers is not contaminated, likely because the Richardson plant uses an advanced membrane treatment system, which can remove PFAS, including GenX.

However, the contamination doesn't end there. The material caught by the membrane filters, known as "concentrate," is discharged into the Intracoastal Waterway.

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